REMARKS/ARGUMENTS

Claims 1-2 are pending in this application, with claim 1 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1-2 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 6,070,337 (Wallrafen) in view of U.S. Patent No. 6,180,899 (Passow).

Claims 1 and 2 are amended merely to put the claims in standard U.S. format and to remove the reference characters. The amendments are not made to overcome the cited references. Independent claim 1 recites a magnetically passive position sensor with a movable magnet, a multiplicity of contact spring elements arranged in the range of movement of the magnet, the contact spring elements lying opposite a resistance device and being able to be moved by the magnet against the resistance device, the resistance device having a number of individual electrical contacts, lying opposite the contact spring elements, wherein an individual contact of the resistance device is assigned at least tow tongues of the contact spring elements.

Wallrafen discloses a passive magnet position sensor including a movable magnet, contact spring elements, and a resistance device having contacts, the contact springs being moved by the magnet against the resistance device. As acknowledged by the Examiner, Wallrafen fails to teach or suggest "an individual contact of the resistance device is assigned at least two tongues of the contact spring elements", as expressly recited in independent claim 1.

As explained in more detail below, Passow fails to disclose what Wallrafen lacks. Passow relates to a double-break electrical contact with semi-bifurcated contacts. A double-break switch in an overload relay is shown in Fig. 1 of Passow which includes normally open fixed contacts 12 and normally closed fixed contacts 14 (see col. 3, lines 20-24 of Passow).

Fixed contacts 12 are shown in Fig. 2 and include contacts 40, 42, 44, and 46 (see col. 3, lines 45-51). A first set of movable contacts 20 cooperates with fixed contacts 12 and a second set of movable contacts 22 cooperates with fixed contacts 14 (col. 3, lines 26-29). The movable contacts 20 include a contact bar 48 (see col. 3, lines 56-57). The contact bar 48 is shown in Fig. 5 and includes contacts 80, 82 corresponding to contacts 4, 46 (col. 4, liens 20-25) and contacts 90, 92 corresponding to contacts 40, 42 (col. 4, lines 35-40). Therefore, each contact 40, 42, 44, 46 on the set of fixed contacts 12 corresponds to a single respective contact 80, 82, 90, 92 on the set of movable contacts 20. The movable contacts 22 includes a contact bar 62 identical to contact bar 48 (col. 4, lines 13-15).

Furthermore, the contact bar 48 has a slot defining two legs 96, 98. However, each of these legs has one contact 90, 92 which corresponds to only one of the fixed contacts 40, 42. Accordingly, Passow can not be considered to disclose teach or suggest "an individual contact of the resistance device is assigned at least two tongues of the contact spring elements", as expressly recited in independent claim 1.

Dependent claim 2 is allowable for the same reason as is independent claim 1, as well as for the additional recitations contained therein.

The application is deemed to be in condition for allowance and notice to that effect is solicited.

Should the Examiner have any comments, questions, suggestion, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues

Respectfully submitted,
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